

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Shawn Young,	)	
	)	
Plaintiff,	)	14 C 6344
	)	
vs.	)	Honorable Judge
	)	Sara L. Ellis
Cook County,	)	
	)	
Defendant.	)	

**DEFENDANTS DART AND GREER'S ANSWER TO PLAINTIFF'S COMPLAINT**

Now comes Defendants, COOK COUNTY SHERIFF THOMAS DART and Supt. Greer, by their attorney ANITA ALVAREZ, State's Attorney of Cook County, through her Assistant State's Attorney, Patrick Russell, and answer Plaintiff's Complaint as follows:

**STATEMENT OF CLAIM**

1. Rats/mice living in the tier unit along with residents of Division#1-A4 at CCDOC.

**ANSWER: Denied.**

2. No running hot water in cells or shower Division #1-A4 at CCDOC.

**ANSWER: Denied**

3. Chip/crack paint fallen from walls/ceiling on floors.

**ANSWER: Denied.**

4. Rust, fungus, and mildew on shower walls/ceiling. Lead paint chippings on floor of shower.

**ANSWER: Denied.**

5. Poor quality of air due to dirty ventilation.

**ANSWER: Denied.**

6. Water bugs in cells, shower, and dayroom area.

**ANSWER: Denied.**

7. Expose to asbestos daily. Water set on floor of recreation room.

**ANSWER: Denied.**

### **AFFIRMATIVE DEFENSES**

NOW COMES Defendants, by their attorney ANITA ALVAREZ, State's Attorney of Cook County, through her assistant, Patrick Russell, and pleads the following Affirmative Defenses:

#### **AFFIRMATIVE DEFENSE NO. 1:**

Qualified Immunity

1. Defendants' conduct was at all times objectively reasonable and did not violate any of Plaintiff's clearly established Constitutional rights. Accordingly, Defendants are entitled to the defense of Qualified Immunity.

#### **AFFIRMATIVE DEFENSE NO. 2:**

Immunity under Section 1983

1. To the extent that Plaintiff seeks punitive damages in this action, local governments are immune from punitive damages liability under Section 1983. *See City of Newport v. Fact Concerts*, 453 U.S. 247 (1981).

**AFFIRMATIVE DEFENSE NO. 3:**

The Illinois Local Governmental and Governmental  
Employees Tort Immunity Act (“Tort Immunity Act”)

1. To the extent Plaintiff’s claims sound in state tort law, Defendants are protected by the immunities of the Local Government and Governmental Employee Tort Immunity Act, 745 ILCS 10/1-101, et seq. ( the “Tort Immunity Act”).

**AFFIRMATIVE DEFENSE NO. 4:**

**Prison Litigation Reform Act**

2.

1. To the extent applicable, Plaintiff is governed by the Prison Litigation Reform Act, 42 U.S.C. § 1997(e)(a). *See Dale v. Lappin*, 376 F. 3d 652, 655 (7th Cir. 2004).

**JURY DEMAND**

Defendants request a trial by jury.

Respectfully submitted,

ANITA ALVAREZ  
State's Attorney of Cook County  
By: /s/ Patrick Russell  
Patrick Russell  
Assistant State's Attorney  
Cook County State’s Attorney Office  
500 Daley Center  
Chicago, Illinois 60602  
(312) 603-3304

**CERTIFICATE OF SERVICE**

**TO: Shawn Young**  
B-67989  
Moline - EMO  
100 Hillcrest Road  
East Moline, IL 61244-1159

I, Patrick Russell, Assistant State's Attorney, hereby certify that the attached **DEFENDANT'S ANSWER, AFFIRMATIVE DEFENSES AND JURY DEMAND TO PLAINTIFF'S FIRST AMENDED COMPLAINT** was served by email and ECF to the above persons on March 9, 2016.

ANITA ALVAREZ  
State's Attorney of Cook County

By: /s/ Patrick Russell  
Patrick Russell  
Assistant State's Attorney  
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